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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,587	10/16/2003	Sei-no-suke Mizuno	GOT-0018	5135

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EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,587

Applicant(s)

MIZUNO, SEI-NO-SUKE

Examiner

Kevin R Kruer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (US 4,403,004) in view of Vander Velden et al (US 5,494,745) for reasons of record.

Parker teaches a decorative metallized laminate comprising an outer capping layer (herein relied upon to read on the claimed "transparent resin surface layer") adhesively bonded to a metallized surface (abstract). Said metallized layer is applied by vapor deposition to a thickness of 100-200 angstroms (col 4, lines 58+) and is herein relied upon to read on the claimed "metal vapor deposition layer." Furthermore, the thickness of the metallized layer taught in Parker is herein understood to be taught with sufficient specificity to read on the thickness range of claim 3. The metallized layer is applied to a base layer (herein relied upon to read on the claimed "substrate"). The base layer may comprise an amorphous polyester (col 2, lines 60+), such as polyethylene terephthalate. Furthermore, the substrate taught in Parker is understood to be "highly flexible" because it comprises the same material as applicant's base resin (see page 4, lines 2+ of the specification) and because Parker teaches said resin should not be rigid (col 4, line 50). A backing layer may be bonded to the surface of the substrate opposite the capping layer (col 8, lines 39+ and FIG 1) by conventional laminating techniques. Said backing layer is herein understood to read on the claimed

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"backing material." The laminate is thermo-formable and may be applied to an underlying body in such applications as bumpers for automobiles (col 9, lines 3+ and Fig 4).

Said laminate is herein understood to inherently be sparkling and exhibit the claimed hue angle when measuring the color of said transparent resin surface layer because the laminate taught in Parker comprises the same resin surface layer and the same metal layer comprising the same metal and having the same thickness as the claimed laminate.

Parker teaches said backing layer is bonded to the substrate by conventional laminating techniques (col 8, lines 39+) but does not teach that said layers should be adhesively bonded. However, Vander Velden teaches that conventional laminating techniques include adhesive lamination (col 5, lines 41+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adhesively bond the backing layer of the laminate taught in Parker to the substrate. The motivation for doing so is that adhesives are conventionally utilized in the art to laminate layers together in order to obtain adequate interlayer adhesion.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al (US 4,403,004) in view of Vander Velden et al (US 5,439,745), as applied to claims 1-3, 5 and 6 above, and further in view of Sidders (US 4,183,975) for reasons of record.

Parker in view of Vander Velden is relied upon as above. Specifically, Parker teaches that an ultra-violet resistant capping layer should be applied over the metallized layer of the laminate taught therein. Parker does not teach that the capping layer

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should comprise urethane-based resin. However, Sidders teaches a vacuum metallized laminate comprising a laminate, a metallized layer, and a topcoat layer (col 6, lines 5+). The topcoat layer provides the laminate with UV radiation resistance, wear resistance, abrasion resistance, and corrosion resistance (col 6, lines 26+). Said layer may comprise a urethane-based resin (claim 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the urethane-based resin topcoat layer taught in Sidders as the capping layer of the laminate taught in Parker. The motivation for doing so would have been that said urethane-based resin provides the laminate with the required thermoformability and UV resistance while additionally providing abrasion resistance, oxidation resistance, and wear resistance.

Response to Arguments

Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive.

Applicant argues the combination of Parker and Vander Velden fails to teach or suggest the limitation "a backing material integrally bonded to a back surface of said substrate through an adhesive layer." Parker teaches a metallized laminate comprising a base layer with both surfaces coated with vapor deposited metal layers. Applicant argues by coating both surfaces of the base layer with vapor deposited metal layers, Parker's laminate cannot comprise "a backing material integrally bonded to a back surface of said substrate through an adhesive layer." The examiner respectfully disagrees. The claim does not exclude the possibility of layers intervening between the substrate and the adhesive layer and/or the adhesive layer and the backing material.

Thus, applicant's arguments are not commensurate in scope with the claim and are not persuasive for overcoming the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kevin R. Kruer".

Kevin R. Kruer
Patent Examiner-Art Unit 1773